

The article was alleged to be misbranded in that the designation "Dextro Quinine," appearing upon its label, was false and misleading since the article was not quinine and was not a dextrorotatory isomer of quinine.

On August 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed or otherwise disposed of by the marshal, as provided by law.

1141. Misbranding of Hydraphorus with Cinchona. U. S. v. 33 Bottles of Hydraphorus with Cinchona. Decree of condemnation and destruction. (F. D. C. No. 10082. Sample No. 3286-F.)

On June 17, 1943, the United States Attorney for the District of Kansas filed a libel against 33 bottles of Hydraphorus with Cinchona at Atchison, Kans., alleging that the article had been shipped in interstate commerce on or about October 13, 1942, by the Leon Chemical Co., Springfield, Mo.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of water, a small proportion of phosphoric acid, and only traces of hydrastis and cinchona.

The article was alleged to be misbranded in that the name "Hydraphorus with Cinchona," and the statement in its labeling, "This preparation contains Cinchona, Hydrastis, * * * and glycerine" were false and misleading since the article contained only traces of hydrastis and cinchona, and no glycerine.

On June 21, 1943, the owner-consignee of the product having admitted the allegations in the libel as to misbranding, judgment of condemnation was entered and the product was ordered destroyed.

1142. Misbranding of cream of tartar, powdered alum, aromatic spirit of ammonia, spirit of camphor, and sweet spirit of nitre. U. S. v. 9 Dozen Packages of Cream of Tartar, 8 Dozen Packages of Powdered Alum, 23 Dozen Bottles of Aromatic Spirit of Ammonia, 11 Dozen Bottles of Spirit of Camphor, 23 Dozen Bottles of Sweet Spirits Nitre, and 21 Dozen Packages of Cream of Tartar. Default decrees of condemnation. Products ordered destroyed with the exception of 1 lot of cream of tartar which was ordered delivered to a charitable institution. (F. D. C. Nos. 10781, 11072. Sample Nos. 35613-F, 35631-F to 35635-F, incl.)

On September 16 and November 11, 1943, the United States attorneys for the Southern District of Georgia and the Eastern District of South Carolina filed libels against the above-mentioned products, all of which were at Charleston, S. C., with the exception of 21 dozen packages of cream of tartar at Savannah, Ga., alleging that the articles had been shipped from Jacksonville, Fla., by the Crescent Sales Co., from on or about April 13, 1943, to October 8, 1943; and charging that they were misbranded.

The articles were alleged to be misbranded in that the statements appearing on the labels: (Cream of tartar) "Net Weight 1 Ounce," (powdered alum) "Net Weight 2 Ounces," and (aromatic spirit of ammonia, spirit of camphor, sweet spirit of nitre "1/2 Fluid Oz.," were false and misleading as applied to the articles, which were short-weight; and in that the labels failed to bear accurate statements of the quantity of contents.

The powdered alum was alleged to be misbranded further in that it purported to be and was represented as a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, and it was not labeled as prescribed therein, since it was not labeled to indicate whether the salt was ammonium alum or potassium alum.

A portion of the cream of tartar was alleged to be misbranded further in that its container was so filled as to be misleading since the article occupied only approximately 35 percent of the total capacity of the container. The cream of tartar was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

On October 28, 1943, and January 8, 1944, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed with the exception of one portion of the cream of tartar, which was ordered delivered to a charitable institution.

1143. Misbranding of chemical prophylactics. U. S. v. 955 Packages of Sentry-2-Tube (and 7 other seizure actions against similar products.) Decrees of condemnation and destruction. (F. D. C. Nos. 7809, 7811, 7952, 8035, 8039, 8073, 8074, 8085. Samples Nos. 98340-E, 98702-E, 98704-E, 16838-F, 16839-F, 16902-F, 19682-F, 19688-F, 22710-F, 22711-F.)

Between June 24 and August 17, 1942, the United States attorneys for the District of Vermont, the District of Massachusetts, the Eastern District of Pennsylvania, the District of New Jersey, and the Southern District of New

York filed libels against 955 packages of Sentry-2-Tube at Essex, Vt., 105 tubes of Sentry at Boston, Mass., 285 tubes of Sentry at Philadelphia, Pa., and against the following quantities of Sanitube: 180½ dozen tubes at Boston, Mass., 854 tubes at Philadelphia, Pa., 238 packages and 210 tubes at Newark, N. J., and 4,930 tubes at New York, N. Y., alleging that the articles had been shipped within the period from on or about March 24, 1941, to June 30, 1942, from Newport, R. I., by the Sanitube Company, Inc.

Examination of the Vermont lot showed that the article consisted of a white tube labeled "Syphilis," and a blue tube labeled "Gonorrhea." The white tube contained about 1¼ grams of an ointment containing approximately 1 percent of calomel, together with soap; and the blue tube contained approximately 1¼ grams of an ointment containing about 2½ percent of calomel together with boric acid and a soap. Examination of the other lots showed that they contained between 0.89 percent and 1.25 percent of calomel, and that they were short weight.

The article in the Vermont lot was alleged to be misbranded (1) in that the statements in its labeling which represented and suggested that it was effective for gonorrhea and syphilis were false and misleading since it was not effective for such purposes; (2) in that it was in package form and its label failed to bear an accurate statement of the quantity of contents; and (3) in that the label for the blue tube failed to state the quantity or proportion of calomel, a mercury derivative, which was present.

The articles in the other lots were alleged to be misbranded (1) in that the statements in their labelings which represented and suggested that they were venereal disease prophylactics were false and misleading since they were not venereal disease prophylactics; (2) in that statements as to the quantity of contents borne on the labels of the tubes were false and misleading since the tubes were short of the declared weight; and (3) in that their labels failed to bear a statement of the quantity or proportion of calomel, a mercury derivative, which was present.

On November 2, 1942, the Sanitube Company, Inc., claimant, having filed with the United States District Court for the Southern District of New York a motion for the consolidation of the various libel proceedings for trial before that court, an order was entered with the consent of the Government for the consolidation of all the proceedings with the exception of the action in the District of Vermont. On November 12, 1943, the claimant having withdrawn its claims and answers, judgment of condemnation and destruction was entered in the consolidated case. On March 9, 1943, the claim and answer having also been withdrawn in the Vermont case, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS FOR VETERINARY USE

1144. Misbranding of calf meal. U. S. v. Frank E. Moore and L. Virginia Moore (Hilltop Farm Feed Co.). Pleas of guilty. Fine of \$20, which included both defendants. (F. D. C. No. 10588. Sample No. 8741-F.)

On December 13, 1943, the United States attorney for the District of Minnesota filed an information against Frank E. Moore and L. Virginia Moore, individuals trading as copartners under the firm name Hilltop Farm Feed Co., at Minneapolis, Minn., alleging shipment on or about March 9, 1943, from the State of Minnesota into the State of Wisconsin of a quantity of calf meal that was misbranded. The article was labeled in part: "Hilltop Calf Meal For raising calves economically without milk. Prevents scours and keeps them growing rapidly * * * Guaranteed analysis Protein not less than 24%. Fat—not less than 4.5% Fiber not over 5%." Analysis of the article showed that it was a feed composed of wheat, corn, oats, soy bean products and other vegetable matter, dry milk, bone meal, salt, limestone, anise, iron oxide, and oils, containing not more than 20.94 percent of protein and not more than 3.64 percent fat.

The article was alleged to be misbranded in that the statements "For raising calves, prevents scours and keeps them growing rapidly," were false and misleading since they represented and suggested that the article would be efficacious in the cure, mitigation, treatment, or prevention of scours in calves and would keep calves growing rapidly, whereas it would not be efficacious for such purposes.

The article was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods, No. 5687.

On December 13, 1943, the defendants having entered pleas of guilty, the court imposed a fine of \$20, which included both defendants.